

**REMARKS/ARGUMENTS**

Reconsideration and allowance of this application are respectfully requested.

Currently, claims 1-29 are pending in this application.

**CIP Application:**

The Examiner's attention is directed to co-pending U.S. patent application no. 09/739,317 filed December 19, 2000, which is a CIP of the present application and is directed to related technical subject matter. The Examiner of this CIP application is the same Examiner as in the present application. The Examiner is respectfully requested to consider the CIP application and art cited therein during examination.

**Claim Objection:**

Claim 23 was objected to because of an informality. The dependency of claim 23 has been corrected herein. Applicant thus respectfully requests that the objection to claim 23 be withdrawn.

**Rejection Under 35 U.S.C. §112:**

Claims 1-29 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Consistent with the interpretation and helpful comments expressed in the Office Action, the recitation of "the runtime" in claims 1 and 10 has been amended to "runtime." Applicant thus respectfully requests that the rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

**Rejection Under 35 U.S.C. § 103**

Claims 1-29 were rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable over Gryphon (U.S. '537, hereinafter "Gryphon") in view of Ernst (U.S. '133). Applicant respectfully traverses this rejection.

In order to establish a *prima facie* case of obviousness, all of the claim limitations must be taught or suggested by the prior art. The combination of Gryphon and Ernst fails to teach or suggest all of the claim limitations. For example, the combination fails to teach or suggest searching a generic process plan for a predetermined pattern contained in a non-generic process element and inserting content from the non-generic process element into the generic process plan on detection of the predetermined pattern to generate a process plan, as required by claims 1-29.

Pages 4 and 10 of the Office Action allege that col. 6, lines 1-20, col. 6, lines 47-67 and col. 7, lines 1-57 of Gryphon disclose the above-noted limitations. Applicant respectfully disagrees with this allegation.

Page 4 of the Office Action states “‘Action’ is interpreted as a non-generic process element, where ‘Action’ is associated with ‘Step’. A generic process plan is defined as a sequence of Steps....” Even assuming *arguendo* that these interpretations are accepted, Gryphon fails to teach or suggest the above noted limitations. Ernst fails to remedy this deficiency of Gryphon.

In particular, Gryphon fails to teach or suggest searching a generic process plan for a predetermined pattern contained by at least one non-generic process element. For example, Gryphon fails to teach or suggest searching a sequence of steps (the alleged “generic process plan”), let alone searching the sequence of steps for a predetermined pattern contained by an action (the alleged “non-generic process element”).

Moreover, Gryphon fails to further teach or suggest inserting content from the non-generic process element into the generic process plan to generate a process plan on detection of the predetermined pattern. In particular, Gyphon fails to teach or suggest

inserting content from an action (the alleged “non-generic process element”) into the sequence of steps (the alleged “generic process plan”) to generate a process plan on detection of a predetermined pattern contained by the action.

Even further, Gryphon fails to further disclose instructions for determining how content is merged being coded into the non-generic process element. For example, Gryphon fails to disclose instructions for determining how content is merged being coded into the action (the alleged “non-generic process element”).

If the Examiner maintains the rejection in view of the combination of Gryphon and Ernst, Applicant respectfully requests that the next Office Action specifically identify what portion of Gryphon and/or Ernst discloses the above noted features. For example, what col. and line number(s) and/or what Figure(s) of Gryphon teaches or suggests searching a sequence of steps (the alleged “generic process plan”) for a predetermined pattern contained by an action (the alleged “non-generic process element”). Applicant submits that there is absolutely no teaching in Gryphon or Ernst of applying a search process to the sequence of steps disclosed by Gryphon in order to find a predetermined pattern which is contained in an action of Gryphon.

The above cited portions of Gryphon merely disclose providing a pictorial set of symbols and recording them (even on paper) to characterize a business process which is being analyzed. Actions that are defined are merely associated with certain steps. (See col. 7, lines 50-52 stating “In stage 637, the Actions defined in stage 633 are associated to the steps defined in stage 610.”). Merely associating actions to particular steps does not in any way teach or suggest searching a generic process plan for a predetermined pattern contained by a non-generic process element, and inserting content from the non-generic

process element into the generic process plan to generate a process plan upon detection of the predetermined pattern.

The combination of Gryphon and Ernst further fails to teach or suggest “wherein an instruction coded into each of the at least one non-generic process element determines how content is merged from the non-generic process element into the generic process plan at runtime of the generic process plan,” as required by independent claim 1. Similar comments apply to independent claim 10.

While Ernst describes how a dynamic behavior of a flow of business processes can be considered in optimizing the business process, the term “dynamic” in Ernst is used in the sense of “changing over the course of time” (see feedback branch 109) rather than in the computational sense of at runtime.

Col. 7, lines 9-23 (specifically identified in the Office Action) of Ernst discloses the following:

“Thereby, in Step 107, the run data is used for verifying the result data and, per Step 108, for updating the attribute values of the parameters upon the latest state. By this measure, the workflow is dynamically adapted to the actual process behavior.

Possible modifications of components and business targets (such as modifying the business target ‘costs’ or additional resources, if available) are taken into consideration through the feedback branch 109. Each modification of a workflow component or a resource is treated like an additional level setting which initiates a further cycle of experiments per Step 105. That, in connection with the attribute values updated upon the latest state of the parameters, and the result data lead to a dynamic optimization of the workflow.”

While the above portion of Ernst discloses “the run data is used for verifying the result data”, the run data is for example, an amount of runtime in a non-computational

context such as the total time a particular business process takes to be executed (see col. 8, lines 20-47).

Moreover, even if col. 7, lines 9-23 of Ernst discloses generating a process plan at runtime as alleged by the Office Action, there is no teaching or suggestion in the Gryphon/Ernst combination of an instruction coded into a non-generic process element determining how content is merged from that element into a generic process plan at runtime of the generic process plan.

Dependent claim 3 further requires each stored generic process plan being indexed in accordance with a goal to be achieved by the plan and selecting a generic process plan for searching in accordance with a received goal input. Page 5, lines 4-8 of the Office Action alleges that col. 6, lines 1-14 of Gryphon discloses these claimed features. Applicant respectfully disagrees. Col. 6, lines 1-14 of Gryphon states the following:

**“Action**

An Action symbol 156 represents how work is done whereas Step information indicates when and under what conditions the work is performed within a process. An Action is a bridge between business and program logic. Actions perform work while Steps coordinate the actions. An Action can also be composed of lower-level Actions that provide increased detail of exactly how the work is to be performed.

Actions can be essential actions that are predefined as constant components of Visual BML or they can be compound actions that are created by the user.

Examples of an Action would be ‘Retrieve Customer Information’ or ‘Assign Call to Support Queue’.”

There is absolutely no teaching of each stored generic plan being indexed in accordance with a goal to be achieved. Nor is there any disclosure in the above portion

of Gryphon (or in combination with Ernst) regarding receiving a goal input, let alone selecting a generic process plan for searching in accordance with the received goal input.

With respect to dependent claims 5 and 7, Applicant submits that Gryphon fails to disclose the indexing as claimed. The Office Action apparently alleges that col. 6, lines 56-66 of Gryphon discloses the features in claim 5 or claim 7. Applicant respectfully disagrees. Col. 6, lines 56-66 of Gryphon states the following:

“For each of the Steps defined in FIG. 2, a more detailed analysis (involving more low-level Steps) needs to be performed. For the purposes of this example, we take ‘Identify Customer’ Step 230 and examine it further. On another sheet of paper (FIG. 3) place ‘Identify Customer’ Step 310 at the top left hand corner. In our process, searching in the customer database for their names (sub Step 320) identifies callers. If that fails, a search is performed by the company name (sub Step 340), and it is determined if the caller appears on the valid contact list.”

As can plainly be seen, the above cited portion of Gryphon fails to disclose the indexing required by claim 5 or 7.

Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. §103 over Gryphon in view of Ernst be withdrawn.

**THOMPSON et al.**  
**Application No. 09/589,200**  
**November 14, 2005**

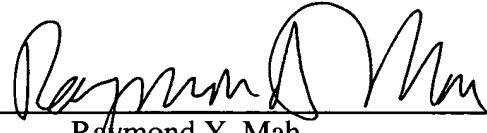
**Conclusion:**

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

A handwritten signature in black ink, appearing to read 'Raymond Y. Mah', is written over a horizontal line.

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